

November 11, 2001

Renata Hesse, Trial Attorney
325 7th Street, NW
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Washington, D.C. 20530

Dear Renata,

I would like to express my concern over the proposed settlement in the DOJ - Microsoft case. I understand I may not be getting the whole story, but from what I understand, there are no provisions for anti-competitive pricing on the part of Microsoft. No matter how 'open' the market is to other middleware developers, if Microsoft can just bundle their middleware in with the operating system, how likely is it that a consumer will have the know-how or inclination to remove a bundled piece of software such as instant messaging or a web browser, and then have to shop around and purchase a competing product. It is a well-known fact that computer users get comfortable with products and don't change them often unless they are causing some kind of problem. If competing products are only on-par or even just a little better, there is no real incentive for someone to spend money on a competing product.

The only way I can see this deal working is that Microsoft cannot be allowed to give away products that competing companies have to charge for. If Microsoft software is as good as they say it is, consumers will have no problem paying for it. Each piece of software Microsoft makes should be able to stand on its own. If the only reason people are using it, is because it was free and 'not that bad' in comparison to the competition, then this whole lawsuit was for nothing except to waste taxpayer money.

I am also concerned that people are talking about the technology market sector as being a factor in settling this case. The law is the law, and money is money. The idea behind having laws is to protect the public good. If Microsoft broke the law then they should be punished and no amount of money should be able to change that, including the stability of the stock market. The market goes up and down as the economy does. No matter how large Microsoft is, they are not the sole factor in the stock market's health. The only thing that should be of concern is if justice is being served. The law is supposed to be the great equalizer, where everybody is the same. If the Law treats this case differently because of financial concerns, then Justice is not being served.

Sincerely,



Erik Engberg

Citizen and avid computer user